

Senate File 260 - Introduced

SENATE FILE _____
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 1090)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to dependent adult abuse.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 1864SV 82
4 rh/gg/14

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1 1 Section 1. Section 235B.3, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. a. The department shall receive dependent adult abuse
1 4 reports and shall collect, maintain, and disseminate the
1 5 reports by establishing a central registry for dependent adult
1 6 abuse information. The department shall evaluate the reports
1 7 expeditiously. However, the department of inspections and
1 8 appeals is solely responsible for the evaluation and
1 9 disposition of dependent adult abuse cases within health care
1 10 facilities and shall inform the department of human services
1 11 of such evaluations and dispositions.
1 12 b. Reports of dependent adult abuse which is the result of
1 13 the acts or omissions of the dependent adult shall be
1 14 collected and maintained in the files of the dependent adult
1 15 as assessments only and shall not be included in the central
1 16 registry.
1 17 c. A report of dependent adult abuse that meets the
1 18 definition of dependent adult abuse under section 235B.2,
1 19 subsection 5, paragraph "a", subparagraph (1), subparagraph
1 20 subdivision (a) or (d), which the department determines is
1 21 minor, isolated, and unlikely to reoccur shall be collected
1 22 and maintained by the department as an assessment only for a
1 23 five-year period and shall not be included in the central
1 24 registry and shall not be considered to be founded dependent
1 25 adult abuse. However, a subsequent report of dependent adult
1 26 abuse that meets the definition of dependent adult abuse under
1 27 section 235B.2, subsection 5, paragraph "a", subparagraph (1),
1 28 subparagraph subdivision (a) or (d), that occurs within the
1 29 five-year period and that is committed by the caretaker
1 30 responsible for the act or omission which was the subject of
1 31 the previous report of dependent adult abuse which the
1 32 department determined was minor, isolated, and unlikely to
1 33 reoccur shall not be considered minor, isolated, and unlikely
1 34 to reoccur.
1 35 Sec. 2. Section 235B.9, Code 2007, is amended by adding
2 1 the following new subsection:
2 2 NEW SUBSECTION. 5. Dependent adult abuse information
2 3 which is determined to be minor, isolated, and unlikely to
2 4 reoccur shall be expunged five years after the receipt of the
2 5 initial report by the department. If a subsequent report of
2 6 dependent adult abuse committed by the caretaker responsible
2 7 for the act or omission which was the subject of the previous
2 8 report of dependent adult abuse which the department
2 9 determined was minor, isolated, and unlikely to reoccur is
2 10 received by the department within the five-year period, the
2 11 information shall be sealed ten years after receipt of the
2 12 subsequent report unless good cause can be shown why the
2 13 information should remain open to authorized access.
2 14 EXPLANATION
2 15 This bill relates to dependent adult abuse.
2 16 The bill provides that a report of dependent adult abuse
2 17 that meets the definition of dependent adult abuse involving
2 18 physical injury, unreasonable confinement, unreasonable
2 19 punishment, or assault of a dependent adult or the deprivation

2 20 of the minimum food, shelter, clothing, supervision, physical
2 21 or mental health care, or other care necessary to maintain a
2 22 dependent adult's life or health, which the department of
2 23 human services determines is minor, isolated, and unlikely to
2 24 reoccur shall be collected and maintained by the department of
2 25 human services as an assessment only for a five-year period
2 26 and shall not be included in the department of human services'
2 27 central registry for dependent adult abuse information and
2 28 shall not be considered to be founded dependent adult abuse.
2 29 However, a subsequent report of dependent adult abuse that
2 30 meets the definition of dependent adult abuse involving
2 31 physical injury, unreasonable confinement, unreasonable
2 32 punishment, or assault of a dependent adult or the deprivation
2 33 of the minimum food, shelter, clothing, supervision, physical
2 34 or mental health care, or other care necessary to maintain a
2 35 dependent adult's life or health that occurs within the
3 1 five-year period and that is committed by the caretaker
3 2 responsible for the act or omission which was the subject of
3 3 the previous report of dependent adult abuse which the
3 4 department of human services determined was minor, isolated,
3 5 and unlikely to reoccur shall not be considered minor,
3 6 isolated, and unlikely to reoccur.
3 7 The bill provides that dependent adult abuse information
3 8 which is determined to be minor, isolated, and unlikely to
3 9 reoccur shall be expunged five years after the receipt of the
3 10 initial report by the department of human services. If a
3 11 subsequent report of dependent adult abuse committed by the
3 12 caretaker responsible for the act or omission which was the
3 13 subject of the previous report of dependent adult abuse which
3 14 the department of human services determined was minor,
3 15 isolated, and unlikely to reoccur is received by the
3 16 department of human services within the five-year period, the
3 17 information shall be sealed 10 years after receipt of the
3 18 subsequent report unless good cause can be shown why the
3 19 information should remain open to authorized access.
3 20 LSB 1864SV 82
3 21 rh:nh/gg/14